

The Senate Appropriations Committee offered the following substitute to HB 953:

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia State Indemnification Fund, so as to redefine certain terms; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia State Indemnification Fund, is amended by striking paragraph (5) and inserting in lieu thereof the following:

"(5) 'In the line of duty' means:

(A) With respect to an emergency medical technician, while on duty and when responding to or returning from an emergency or performing duties at the scene of an emergency or transporting a person to a medical facility for emergency treatment or returning therefrom;

(B) With respect to a firefighter, ~~while~~:

(i) While on duty and when responding to or returning from a fire or other emergency or performing duties during any fire or other emergency or performing duties intended to protect life and property; or

(ii) While on or off duty within four hours after returning from the last fire to which he or she responded while on duty during any shift or day;

(C) With respect to a law enforcement officer or firefighter, while on duty and performing services for and receiving compensation from the law enforcement and fire service agency which employs such officer or firefighter, while off duty when responding to any situation which would save a life or preserve the peace, or while preventing or attempting to prevent the commission of a crime or fire. A law enforcement officer or firefighter who is performing duties for and receiving compensation from a private employer at the time of such officer's or firefighter's death or bodily injury causing permanent disability shall not be considered in the line of duty unless the officer or

1 firefighter has left the scope of his or her employment for the private employer for the
2 direct purpose of enforcing or attempting to enforce fire service, the criminal or traffic
3 laws, preserving or attempting to preserve public order, protecting or attempting to
4 protect life or property, performing active state service as a member of the Georgia
5 National Guard, preventing or attempting to prevent a crime, detecting or attempting to
6 detect crime, or investigating or attempting to investigate crime. The determination that
7 a law enforcement officer or firefighter was killed or permanently disabled in the line of
8 duty and is entitled to indemnification pursuant to this part shall not be considered in the
9 determination of the entitlement of such officer to workers' compensation, disability,
10 health, or other benefits from such officer's or firefighter's public or private employer;
11 (D) With respect to a prison guard, while on duty and performing services for and
12 receiving compensation from the public agency which employs such prison guard; or
13 (E) With respect to a state highway employee, while on duty and performing any work
14 necessary for the construction, maintenance, or operation of a roadway on or within the
15 public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such
16 employee is killed or permanently disabled as the result of working under hazardous
17 conditions in close proximity to moving traffic or equipment."

18 SECTION 2.

19 Said Code section is further amended by striking paragraph (6) and inserting in lieu thereof the
20 following:

21 "(6) 'Law enforcement officer' means any agent or officer of this state, ~~or~~ a political
22 subdivision or municipality thereof, or an authority or instrumentality of this state or a
23 political subdivision thereof who, as a full-time or part-time employee, is enrolled in a
24 basic training course for purposes of Code Section 35-8-9 in a school certified by the
25 Georgia Peace Officer Standards and Training Council or is vested either expressly by law
26 or by virtue of public employment or service with authority to enforce the criminal or
27 traffic laws and whose duties include the preservation of public order, the protection of life
28 and property, or the prevention, detection, or investigation of crime. Such term also
29 includes the employees designated by the commissioner of juvenile justice of the
30 Department of Juvenile Justice pursuant to paragraph (2) of subsection (i) of Code Section
31 49-4A-8, which employees have the duty to investigate and apprehend delinquent and unruly
32 children who have escaped from a facility under the jurisdiction of the Department of
33 Juvenile Justice or who have broken the conditions of supervision. Such term also includes
34 members of the Georgia National Guard, the composition of which is set forth in Code
35 Section 38-2-3, who have been called into active state service by the Governor."

2 All laws and parts of laws in conflict with this Act are repealed.